



(TM).A.Nos.27 of 2025 & 47 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 15.07.2025

CORAM:

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

(TM).A.Nos.27 of 2025 & 47 of 2024

in (T).OP.(TM).No.5 of 2023

(TM).A.No.27 of 2025:

Kachhi Brothers,
(a Registered Firm)
Rep. by Mohd. Iqbal, Managing Partner,
21-1-807/7/UGF/19, R.J.Market Complex,
Patel Market, Hyderabad.

... Applicant/Petitioner

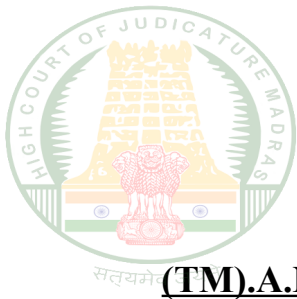
Vs.

1. Kachhi Textiles
(a Partnership Firm) and their assignees,
Kachhi Textiles (India) Pvt. Ltd.,
22-7-268/B/45, Madina Towers,
Diwandevidi, Hyderabad.

2. The Registrar of Trademarks,
Trademarks Registry,
Chennai.

...Respondents/Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules r/w. Order 7 Rule 14(3) and Section 151 of the Civil Procedure Code, 1908, to permit the applicant to file the additional documents on record in the above O.P. by allowing this application.



(TM).A.Nos.27 of 2025 & 47 of 2024

(TM).A.No.47 of 2024:

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Kachhi Brothers,
21-1-807/7/UGF/19,
R.J.Market Complex,
Patel Market, Hyderabad.

... Applicant/Petitioner

Vs.

1. Md.Idris and 5 others
Partners of Kachhi Textiles and their assignees,
Kachhi Textiles (India) Pvt. Ltd.,
22-7-268/B/45, Madina Towers,
Diwandevidi, Hyderabad.

2. The Registrar of Trademarks,
Trademarks Registry,
Guindy, Chennai – 600 032.

...Respondents/Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules r/w. Section 151 of the Civil Procedure Code, 1908, to permit the applicant to file additional documents on record in the above O.P. by allowing this application.

In both cases:

For Applicant : Mr.Mohankumar
for M/s. Rao and Rao

For Respondents : Mr.Arun C.Mohan, for R1
: Mr.Rajesh Vivekananthan,
Dy. Solicitor General, for R2



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COMMON ORDER

The rectification petition is at the stage of trial and the evidence of witness, P.W.1 was recorded in full. At this stage, these two applications have been filed seeking permission to file additional documents.

2. (TM).A.No.27 of 2025 relates to a single document, namely, declaration by Haji Mohammed dated 14.06.2006. As regards this application, the learned counsel for the contesting respondent states that he has no objection.

3. As regards, (TM).A.No.47 of 2024, learned counsel for the applicant/rectification petitioner states that it has become necessary to file a third party affidavit and Invoice No.406 because forged/fabricated documents were filed by the contesting respondent.

4. In response, learned counsel for the contesting respondent submits that a third party affidavit cannot be filed inasmuch as the contesting respondent would be deprived of the right to cross examine the deponent. Since the invoice is referred to and identified in such third party affidavit, he submits that the

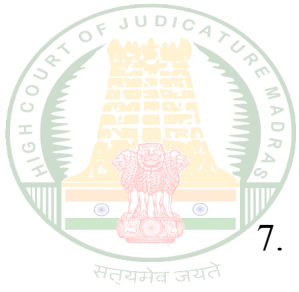


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applicant should not be permitted to file the invoice. As regards the orders of the Intellectual Property Appellate Board, learned counsel submits that it is unnecessary to mark these documents as exhibits because being orders of Court, it is always open to refer to these orders in course of arguments.

5. The objections of the contesting respondent to the filing of the third party affidavit of Mahesh M.Majithia carry considerable merit and are liable to be accepted. If a third party affidavit were to be received without the deponent thereof being subjected to cross examination, prejudice would be caused to the contesting respondent.

6. Invoice No.406 dated 29.10.1999 appears to be an invoice issued by the contesting respondent to Satyam Sarees & Cut Pieces, Sultan Bazar, Hyderabad. The applicant/rectification petitioner has obtained a certified copy of such invoice from the Court of learned Chief Judge, City Civil Court, Hyderabad. Subject to objections, the applicant is permitted to file this document.



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7. For the reasons aforesaid, these applications are disposed of as

WEB follows:

(i) (TM).A.No.27 of 2025 is **allowed** subject to the right of the contesting respondent to file an affidavit of admission/denial in respect thereof and raise objections, *inter alia*, on the grounds of admissibility, relevance and proof in course of trial.

(ii) (TM).A.No.47 of 2024 is **partly allowed** by permitting the applicant to file Invoice No.406 dated 29.10.1999 subject to the right of the contesting respondent to file an affidavit of admission/denial in respect thereof and raise objections, *inter alia*, on the grounds of admissibility, relevance and proof in course of trial.

15.07.2025

(¹/₂)

skt

Index	: Yes / No
Internet	: Yes / No
Neutral Citation Case	: Yes / No
Speaking order	: Yes / No

To:

The Registrar of Trademarks,
Trademarks Registry,
Guindy, Chennai – 600 032.



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SENTHILKUMAR RAMAMOORTHY, J.

skt

(TM).A.Nos.27 of 2025 & 47 of 2024

in

(T).OP.(TM).No.5 of 2023

($\frac{1}{2}$)

15.07.2025